



STATE OF NEW JERSEY

In the Matter of Joseph Seymour,
Correctional Police Officer (S9988V),
Department of Corrections

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2019-3615

List Removal Appeal

ISSUED: APRIL 17, 2020 (SLK)

Joseph Seymour appeals the decision to remove his name from the Correctional Police Officer (S9988V), Department of Corrections, eligible list on the basis of falsification of his application.

The appellant took the open competitive examination for Correctional Police Officer (S9988V), which had an May 5, 2017 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking his removal, the appointing authority indicated that the appellant falsified his application. Specifically, the appellant indicated on his application that he “resigned in good standing” from his position with the South Carolina Department of Corrections (SCDC) as a Correctional Officer. However, an employment verification from SCDC indicated that he was terminated due to job abandonment.

On appeal, the appellant states that at the time of his departure from his employment with SCDC, he was living in his car as he could not find a suitable place to live and pay other expenses based on his low salary. Then, every other weekend, he would drive 12 hours to spend a day with his family in New Jersey. As this situation was unsustainable, the appellant advised a SCDC Major that he would be resigning from his duties with a week’s notice and the Major advised him to contact human resources, which he did. However, the appellant states due to the constant turnover of personnel within the SCDC human resources’ department, he was not given a single point of contact. He asserts that it is hard for him to believe that human resources indicated that he was terminated due to job abandonment as he followed the proper procedures. The appellant represents that he has continued to contact human

resources to get this matter straightened out, but he has been unsuccessful. The appellant highlights that since returning to New Jersey, he has worked as a Cook Supervisor for two years at the Ocean County Jail while trying to become a State Correctional Police Officer. He has also been pursuing a certification in drug and alcohol addiction counseling and will begin to work in this capacity. Additionally, the appellant presents that he has a four-year old son and is a homeowner.

In response, the appointing authority reiterates that the verification form from the SCDC indicates that the appellant was terminated from his position for job abandonment.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Civil Service Commission (Commission) to remove an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process.

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)7, allows for the removal of an individual from an eligible list who has a prior employment history which relates adversely to the position sought.

N.J.A.C. 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error.

The primary inquiry regarding the removal of a candidate's name based on the falsification of his or her employment application is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. *See In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003).

In this matter, the appointing authority had valid reasons for removing the appellant's name from the list. Specifically, the appellant indicated on his application that he was a Correctional Officer from December 2015 to July 2016 with the SCDC before he resigned in good standing to be with his family who were out of state. However, even if there was no intent to deceive, the SCDC indicated that the appellant was terminated due to job abandonment, which is material to the position sought. Further, other than the appellant's mere statement, he has not presented any evidence that he was not terminated. Moreover, even if the Commission accepted the appellant's statements, the fact that the appellant was only able to maintain employment as a Correctional Officer with SCDC for only eight months, regardless of the reason, indicates that the appellant's employment

history is adverse to the position sought as the appointing authority has a reasonable expectation that its new hires shall be long-term hires when it makes an appointment. Finally, as the appellant's employment with SCDC ended in July 2016, which was less than one year prior to the subject examination May 31, 2017 closing date, there was insufficient time for him to demonstrate that he could maintain reliable employment as a Correctional Police Officer.

Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Correctional Police Officer (S9988V), Department of Corrections eligible list.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15TH DAY OF APRIL, 2020

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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